



January 10, 2007

Subject: The Land Development Ordinance Committee

The Land Development Ordinance Committee (LDOC) met Wednesday, January 10, 2007, at 4 p.m., in the second floor Seminar Room located at The Plaza, 100 W. Innes Street, to discuss rewriting Salisbury's ordinance code. In attendance were Jake Alexander, George Busby, Mark Lewis (Co-chair), Brian Miller and Rodney Queen

Absent—Karen Alexander, Bill Burgin (Co-chair), John Casey, Phil Conrad, Steve Fisher, Victor Wallace, Jeff Smith, and Bill Wagoner.

Staff Present—Gail Elder White, Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, Patrick Ritchie, and John Vest

The meeting was called to order with Mark Lewis (Co-chair) presiding. The minutes of the December 13, 2006, meeting were not approved since we did not have a quorum.

HOUSEKEEPING

Diana Moghrabi requested that people talk in the hall or the lobby after the meeting so the room can be cleared and secured quickly.

This is John Vest's last meeting as he is leaving employment with the City of Salisbury February 1, to work for the Town of Mooresville as Public Works Director. Patrick Kennerly will represent Salisbury Rowan Utilities at future meetings.

The next meeting will be in the same location Wednesday, January 17, at 4 p.m.

CHAPTER SUMMARIES

Chapter 4, General Lot, Infill and Structure Provisions

Chapter 4, revision 1-1-07, was presented by Preston Mitchell. Page 4-2 **Purpose** and **Applicability** were tightened up. The definition of *lot of record* was updated for Chapter 1. Page 4-4, *corner lots* (4.3.E.2.c) was discussed at length. Closest structure on the street that the structure “faces” would be used to determine build-to line. Lynn Raker brought up an anomaly at Shaver and Park in which the setback of the closest structure to the corner structure is much further back than the rest of the blockface. This situation could go to the ZBA. Joe Morris suggested that you cannot write a code to every situation. Lynn recommended an average of two closest lots.

From an equity point of view, infill standards are to cover all subdivisions. The 1950 Boundary did not make sense when viewed more closely. Mark Lewis said the City of Salisbury cannot arbitrarily choose which neighborhoods will be held to these standards. Concerns about infill development were discussed previously regarding historic neighborhoods—which are why this boundary was suggested before.

The City cannot police subdivision covenants; covenants are often more restrictive than City standards. George Busby asked for clarification regarding state laws that address the priority of covenants vs. local codes.

Janet Gapen provided a map of “Residential Infill Under the Proposed Code.” George Busby requested statistics to cover an inventory of how many buildable lots there are in Salisbury and whether City roads and sewers were installed. The purpose of this inventory is to monitor growth and necessities. How many acres are not subdivided? What is the capacity? Realistically, what is out there?

In Chapter 7, Recreational Open Space, revision date 1-1-07, the required amount of open space is based on density and is consistent with the Strategic Plan. Page 7-3, section 7.5 Recreational Open Space Allocation, now displays three tables rather than two. Under Playground Equipment (Bonus 100%) Notes, Gail Elder White requested it read, “Shall meet the Parks & Recreation product and safety standards, and the bonus applies to the footprint of the ‘safety fall zone’.” The tables indicate credit percentage and bonus percentage based on amenity type to decrease overall percentage of land required for open space. (Can get multiple bonuses.)

There was a discussion on the application of open space in a TND. Staff will pick this up at their Monday meeting.

The committee discussed Section 7.6 Payment in Lieu of Allocation for a significant amount of time. It was thought by some that there is not a feasible formula for an allocation fee. Brian Miller asked, “Is there a time limit for that to occur?” The last sentence in 7.6.B reads, “All funds received for payment in lieu of dedication shall be deposited in a special fund or line item to be used only for the acquisition, development, or redevelopment of public recreation space within the City based on the Parks & Recreation Master Plan. These funds are audited. Brian Miller stated that he has no problem with the concept.

Jake Alexander stated that he does not like *fee in lieu of*. The committee requested that staff find out what other cities are doing for appraisal practices. (Fair pricing mechanism) There was a comment from Jake Alexander that we should look to Gastonia and Statesville and not to cities like Cary. Staff disagreed and believes Salisbury should reach higher.

Other items discussed on the subject were loopholes, source of revenue, minimum threshold (unit/acreage) problems with smaller development, impact fees (are they limited to schools, roads and stormwater?—what about Parks?)

Lynn Raker covered Landscape, the August 29, 2006, version of Chapter 8, much of which is taken from the current ordinance. Flexibility is built in. Purpose and intent are verbatim. Section 8.2.a, “New development of an individual single-family or duplex dwelling that is not part of a larger common plan of development is exempt from the provisions of this chapter.” Exempt all except RDA, RDB perimeter street trees required in single-family development.

Section 8.2.b.2 “An existing principal structure is expanded by 25 percent or more. The landscaping improvements are required for the expanded portion of existing development only.” This is consistent with the current code.

General Provisions 8.3D Dan Mikkelsen had some previous notes that indicated the title changed. The preservation of existing trees was discussed as well as a discussion about slope and grade.

The discussion on Chapter 8 will continue at the next meeting. There will be no staff meeting Monday, January 15, because of the Martin Luther King holiday. The January 29 public forum will not take place since the anticipated progress was not met today.

The meeting was adjourned at 6:00 p.m.
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